

REMARKS

Reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

5 Claim 22 has been restored to its status prior to the final rejection of April 29, 2003 so that R₃ is –CH₂Ar₁. Previously, Applicant had inadvertently deleted Ar₁. The foregoing amendment serves to overcome the new matter rejection.

The variable R₅ has now been added to the specification at page 4, after line 11 and to the structural formula at page 1. The variable R₅ is supported at page 1, line 24 and in the structural 10 formula at pg. 1 lines 2-5 of the published PCT Application, PCT/EP99/05459. (The variable R₅ was inadvertently omitted from the amended PCT application.)

Applicants have amended page 4, line 12 so that the Markush expression with respect to the variable R₄ is now clear and accurate.

With respect to item b) in the Advisory Action of October 29, 2003, 4-aminosulfonyl and 15 cyclohexan-1-yl- have been cancelled from claim 21.

Also with respect to item b) of the October 29, 2003 Action, the Examiner has raised the issue of new matter with regard to the moiety where R₁₂ is C₁₋₃ alkyl. It is respectfully submitted that C₁₋₃ alkyl is not new matter. It would appear that the Examiner is reading this moiety as being a definition of R₁₂, while it is actually a substituent of the “N-atom of piperazine”, which is, in turn, one of the 20 definitions of R₁₂. This is abundantly clear from claim 1 of the published PCT Application and from the specification as a whole. Since C₁₋₃ alkyl is not new matter, the rejection should be withdrawn.

The specification at page 4, line 21 to line 28 has been amended in line with the foregoing.

Independent subgeneric claim 34 has been added. Support for R₁₂ is found at page 7, lines 25-29 of the specification as published.

Claim 35, which depends from claim 34, has been added. It is supported at page 9, species xliv) and xlvi).

With reference to item a) of the Advisory Action of October 29, 2003, it is now believed that the amendment to the specification at page 4, line 12 provides an accurate and complete direction with regard to the amendment.

With respect to item b) of the Advisory Action, a comma has been added by amendment to separate the 4-carboxyamido group from piperazine.

With respect to claim 27, species xxii and xxiii recite “4-methylphenylsulfonyl” which is equivalent to “tosyl” in claim 26. Thus, the requisite antecedent basis is present.

In claim 27, species xxvii has been amended to read “cyanomethylamino”. With this spelling correction, the claim now reads correctly.

With respect to item d) of the September 17, 2003 Advisory Action, Applicants have now deleted the actual compounds which were misspelled. This appears at page 5, lines 15-20 of the specification.

Applicants have now amended claim 21 so that the definition of R₄ is now accurate. Further, the incorrect inclusion of $-N(R_{11})CO(CH_2)_hR_{12}$ has been deleted at line 13 of claim 21 and the incorrect inclusion of $-COR_{13}$ has been deleted at line 19.

It is respectfully submitted that the variable R₅ added to the structural formula (I) in the specification is supported in the published PCT application at page 1, lines 2-5.

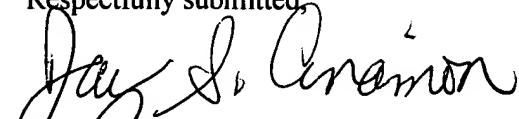
It is respectfully submitted that the foregoing amendments to the claims and to the specification serve to overcome the final rejection of April 29, 2003 of claims 21-26, 28-30, 32 and 33 under §112 and the objection to claims 27 and 31. Accordingly, it is respectfully requested that the rejection be withdrawn.

The issuance of a Notice of Allowance is respectfully solicited.

Please charge any fees which may be due and which have not been submitted herewith to our
Deposit Account No. 01-0035.

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Respectfully submitted


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